

REGULAR MEETING OF THE MAYOR AND BOARD OF TRUSTEES OF THE VILLAGE OF IRVINGTON, NEW YORK HELD ON MONDAY NOVEMBER 01, 2004 AT 7:00 P.M. VILLAGE HALL, 85 MAIN STREET, IRVINGTON, NEW YORK.

Present: Dennis P. Flood, Mayor
David A. Klassen, Trustee
Richard J. Livingston, Trustee
Jonathan A. Siegel, Trustee
Donald P. Marra, Administrator
Lawrence S. Schopfer, Clerk-Treasurer
Edward J. Ritter, Deputy Clerk-Treasurer
Lino J. Sciarretta, Village Attorney’s Office
Louis C. Grieco, Police Chief
Gregory R. Nilsson, Superintendent of Public Works

The Board held a worksession from 7:00 p.m. until 7:30 p.m. At 7:30 p.m., Mayor Flood called the meeting to order. Trustee Livingston made a motion for the Board to adjourn to executive session to take up legal and personnel matters. The motion was seconded by Trustee Siegel and unanimously approved.

Upon reconvening after executive session, the regular meeting was called to order by Mayor Flood who led the attendance in the pledge of allegiance to the flag of the United States of America.

Mayor Flood opened the floor to public comment on matters not contained on the agenda of the regular meeting. Ann Acheson asked to speak regarding the upkeep of a neighbor’s property. Don Marra, Administrator will visit the property with Ed Marron, Building Inspector to assess the property. Mayor Flood offered assurances that the matter would be reviewed.

Trustee Livingston made a motion to adopt the minutes of the regular meeting of the Board of Trustees held October 18, 2004. Trustee Siegel seconded the motion and it was unanimously approved.

Mayor Flood read correspondence from Paul A. Kazmierczak commending Greg Nilsson and the Department of public works; Dan DeLaune and Walter Fried commending the Fire Department; Barbara Argenti commending Officer Michael Toolan and the Police Department. Copies of all correspondence are attached hereto as a part of these minutes.

Keith Christensen gave a presentation on wind-powered energy. A copy of the presentation is attached hereto as a part of these minutes.

**RESOLUTION 2004-113
APPROVAL OF 2004-05 BUDGET TRANSFERS**

Trustee Klassen offered the following resolution, which was seconded by Trustee Livingston and adopted:

RESOLVED, to approve the following 2004-05 budget transfers:

**Entry 2005-10
Travel and Education**

From:Contingency	1990-465	\$1,000
To: Travel and Education	1325-435	\$1,000

(Account for additional training on the financial system as well as seminars and mandatory training seminars.)

**Entry 2005-11
Special Events**

Increase: Special Events	7310-458	\$19,200
Increase: Recreation Revenue	1-1-2070	\$19,200

(Account for additional revenue received from Celebrate Our Youth Day as well as additional expenses incurred as a result of the event.)

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-114

ADOPT A BOND RESOLUTION AUTHORIZING THE ACQUISITION OF A REPLACEMENT VEHICLE

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, BY THE VILLAGE BOARD OF THE VILLAGE OF IRVINGTON, WESTCHESTER COUNTY, NEW YORK AS FOLLOWS:

Section 1. The acquisition of a replacement vehicle for the Administrator of the Village of Irvington (the "Village"), including but not limited to the apparatus and all necessary alterations and ancillary work as may be necessary to effectuate the foregoing (the "Project") is hereby authorized at a maximum estimated cost of \$16,500.

Section 2. The plan for financing such maximum estimated cost is by the issuance of \$16,500 tax-exempt serial bonds or bond anticipation notes of the Village (the "Bonds") hereby authorized to be issued therefor, pursuant to the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, no current funds of the Village are required.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specified object or purpose is three (3) years, pursuant to subdivision 77 of paragraph (a) Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds herein authorized will not exceed three (3) years.

Section 4. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the Bonds as the same become due and payable.

Section 5. Pursuant to the Sections 30.00, 50.00 and 56.00 to 60.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law. The Village Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation thereof, and the Village Clerk is hereby authorized to affix the corporate seal of the Village to any serial bonds or bond anticipation notes issued pursuant hereto.

Section 6. The Board of Trustees of the Village prior to adopting this resolution has determined that each of the components of the Project is a "Type II" action as that term is defined under Part 617 of the regulations of the New York State Department of Environmental Conservation and the Village is not required to undertake any further review of the environmental impact of the Project.

Section 7. The Village hereby covenants and agrees with the holders from time to time of the tax-exempt Bonds and any bond anticipation notes issued in anticipation of the sale of the tax-exempt Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended, and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 8. The validity of the bonds and bond anticipation notes may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This resolution is not subject to permissive referendum.

Section 10. The Village Clerk shall publish and post a notice in accordance with the provisions of Section 81.00 of the Local Finance Law together with a copy of this Resolution in full.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

RESOLUTION 2004-115

ADOPT A BOND RESOLUTION AUTHORIZING THE ACQUISITION OF A SALT SPREADER

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, BY THE VILLAGE BOARD OF THE VILLAGE OF IRVINGTON, WESTCHESTER COUNTY, NEW YORK AS FOLLOWS:

Section 1. The acquisition of a salt spreader for the Village of Irvington (the "Village"), including but not limited to the apparatus and all necessary alterations and ancillary work as may be necessary to effectuate the foregoing (the "Project") is hereby authorized at a maximum estimated cost of \$8,500.

Section 2. The plan for financing such maximum estimated cost is by the issuance of \$8,500 tax-exempt serial bonds or bond anticipation notes of the Village (the "Bonds") hereby authorized to be issued therefor, pursuant to the Local Finance Law. Pursuant to Section 107.00 of the Local Finance Law, no current funds of the Village are required.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specified objects or purposes is five (5) years, pursuant to subdivision 28 of paragraph (a) Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the Bonds herein authorized will not exceed five (5) years.

Section 4. The full faith and credit of the Village is hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such years. There shall be levied on all the taxable real property of said Village a tax sufficient to pay the principal and interest on the Bonds as the same become due and payable.

Section 5. Pursuant to the Sections 30.00, 50.00 and 56.00 to 60.00 inclusive of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the Bonds herein authorized, including renewals of such notes, is hereby delegated to the Village Treasurer, the Chief Fiscal Officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Village Treasurer, consistent with the provisions of the Local Finance Law. The Village Treasurer is hereby authorized to sign any serial bonds issued pursuant to this resolution and any bond anticipation notes issued in anticipation thereof, and the Village Clerk is hereby authorized to affix the corporate seal of the Village to any serial bonds or bond anticipation notes issued pursuant hereto.

Section 6. The Board of Trustees of the Village prior to adopting this resolution has determined that each of the components of the Project is a "Type II" action as that term is defined under Part 617 of the regulations of the New York State Department of Environmental Conservation and the Village is not required to undertake any further review of the environmental impact of the Project.

Section 7. The Village hereby covenants and agrees with the holders from time to time of the tax-exempt Bonds and any bond anticipation notes issued in anticipation of the sale of the tax-exempt Bonds, that the Village will faithfully observe and comply with all provisions of the Internal Revenue Code of 1986, as amended, and any proposed or final regulations issued pursuant thereto unless, in the opinion of bond counsel, such compliance is not required by the Code and regulations to maintain the exclusion from gross income of interest on said obligations for federal income tax purposes.

Section 8. The validity of the bonds and bond anticipation notes may be contested pursuant to Section 80.00 of the Local Finance Law only if: (a) such obligations are authorized for an object

or purpose for which the Village is not authorized to expend money; or (b) the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit, or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or (c) such obligations are authorized in violation of the provisions of the constitution.

Section 9. This resolution is not subject to permissive referendum.

Section 10. The Village Clerk shall publish and post a notice in accordance with the provisions of Section 81.00 of the Local Finance Law together with a copy of this Resolution in full.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

**RESOLUTION 2004-116
APPOINTMENT OF A CABLE TV PROGRAM CONSULTANT**

Trustee Livingston offered the following resolution, which was seconded by Trustee Siegel and adopted:

RESOLVED, to engage the services of Tim Brady of Edit Sight and Sound to provide cable TV and audiovisual consulting services to the Village of Irvington at a rate of \$45/hour.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

**RESOLUTION 2004-117
APPOINTMENT OF A HEARING OFFICER REGARDING A PERSONNEL MATTER**

Trustee Livingston offered the following motion and was seconded by Trustee Siegel:

RESOLVED, that Vincent P. D'Andrea, Esq., is hereby appointed pursuant to Section 75 of the New York Civil Service Law to serve as a Hearing Officer in connection with charges of misconduct dated October 29, 2004 preferred against a Village employee. The Hearing Officer's report and recommendation will be submitted to the Board of Trustees for their approval, rejection, or modification.

The vote resulted as follows:

AYES: 4 (Mayor Flood, Trustees, Klassen, Livingston, Siegel)
NAYS: NONE

Trustee Klassen reported on the activities of the Water Department as to the repair of several water main breaks and the installation of new pipes. He also inquired as to what the Village policy is regarding individual homeowners' installation of curbs. Greg Nilsson responded that curbs are allowed to be installed providing that the homeowner obtains a street opening permit from the Village Clerk's office. Greg also offered that homeowners were being advised that any damage to (installed) Belgian Block Curbs during plowing, would not be repaired or replaced by the Village. Concrete curbs would be repaired if damaged by the Village.

Trustee Siegel outlined the activities of the Highway Department including assistance with water main breaks and leaf pickups.

Trustee Livingston discussed the upcoming senior citizen events, the success of the Halloween parade and a listing of the activities of Police Department. He also mentioned the marriage of the Fire Chief. Trustee Livingston also asked for volunteers for the upcoming Thanksgiving event.

Village Administrator Donald Marra reported on the success of the Halloween Parade. He also reminded everyone in attendance of the upcoming traffic meeting on Wednesday, November 3, 2004.

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There being no further business, the meeting was adjourned.

Lawrence S. Schopfer, Clerk-Treasurer

Attachments